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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
WASHINGTON, DC 20510-6175

May 21, 2014

The Honorable Gina McCarthy Administrator U.S. Environmental Protection Agency William Jefferson Clinton Building 1200 Pennsylvania Avenue NW Washington, DC 20460

Dear Administrator McCarthy:

As your office is aware, my staff spent some time last month trying to ascertain why a U.S. Environmental Protection Agency (EPA) contractor, essentially serving as an employee, was intentionally obstructing the importation of products with potential military applications. In particular, I am concerned that Imports Group Contractor David Hurlin apparently is under the impression that appropriate EPA employee behavior includes threats of seizure and destruction of property without merit. Beyond the threats of seizure and destruction of property, it has been brought to my attention that Mr. Hurlin has a history of intentionally delaying EPA authorization for importation in order to force private businesses to incur additional costs. Specifically, there is a history of targeting products that could be used by our military to save American lives. I have also been made aware that Mr. Hurlin may have tried to utilize his position to threaten the jobs of importers who were willing to expose his behavior.

Needless to say, I find it unacceptable that an EPA employee would threaten importers and the importation of products which have strategic military applications. Secondly, I do not believe the actions taken thus far to rectify Mr. Hurlin's behavior are enough to resolve the issues. When an EPA employee or contractor, without the authority to do so, is able to threaten to seize and destroy assets without appropriate justification, it is clear that something is amiss. Moreover, it seems indicative, in light of recent revelations regarding EPA employee behavior, of an agency that is growing increasingly arrogant despite the damage it is doing to our economy.

In response to questions posed by my office, EPA notified my staff that, "EPA does not seize, destroy, or threaten destruction of items, articles, or manufactured goods that are imported." This is wholly contradictory to the information my office has been provided related to Mr. Hurlin's actions, which included threatening to seize and destroy a manufactured good. Moreover, additional information has been brought to this office's attention indicating that Mr. Hurlin has a reputation and track record for abusing his authority and working to undermine military importers.²

¹ E-mail from staff, Office of Cong. & Intergovernmental Relations, Envtl. Prot. Agency, to Republican staff, S. Comm. on Env't & Pub. Works (Apr. 17, 2014, 10:00 AM EST).

² Anonymous source- military contractor.

At this stage, I request that you ensure that Mr. David Hurlin, Mr. Mario Jorquera, and any other individuals they work with have been reminded of agency policy and acknowledge that they are aware such behavior is unacceptable. As well, I request a full accounting of all imported products for which Mr. Hurlin has been involved over the last ten years, particularly any goods/products with potential military applications. In addition, I request a response to the following questions:

- 1. What is the history of Mr. Hurlin's relationship with EPA? Who does Mr. Hurlin report to and what is the appropriate chain of command for his review of imports?
- 2. What is the average wait time for Mr. Hurlin's review of imports?
- 3. For all military related goods requiring Mr. Hurlin's approval, what is the average wait time for review of imports?
- 4. Who has Mr. Hurlin targeted for delays over the last five years?
- 5. What is the typical length of delay?
- 6. Have any Agency staff complained of Mr. Hurlin's behavior or has anyone outside EPA had their job threatened by Mr. Hurlin?

As this investigation has potential implications for national security, I request a prompt response, no later than June 13, 2014. If you have any questions please contact my staff at 202-224-6176.

Thank you,

David Vitter Ranking Member

Committee on Environment and Public Works